

UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND
(Baltimore Division)

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U.S. DISTRICT COURT
BALTIMORE, MARYLAND

2010 JUN 18 AM 11:15

Clerk's Office
Baltimore, MD

File No. 10CV1630

STORTO ENTERPRISES, INC.,

Plaintiff,

v.

EXXONMOBIL OIL CORP., ET AL.

Defendants.

Civil Case No. _____

10CV1630

NOTICE OF REMOVAL

Defendants ExxonMobil Oil Corporation and ExxonMobil Corporation (collectively "Defendants"), by and through their undersigned attorneys, hereby give notice pursuant to 28 U.S.C. §§ 1441 and 1446, and Local Rule 103.5(a), that they have removed the action entitled *Storto Enterprises, Inc. v. ExxonMobil Oil Corp., et al.*, in the Circuit Court of Maryland for Baltimore County, Case No. 03-C-10006292 (the "State Court Action"), to the United States District Court for the District of Maryland, Baltimore Division. A copy of the Notice of Removal is being filed with the Clerk of the Circuit Court of Maryland for Baltimore County in order to effect removal pursuant to 28 U.S.C. § 1446(b). Pursuant to 28 U.S.C. § 1446(d) the State Court Action shall proceed no further unless and until this case is remanded.

Grounds for Removal

Plaintiff Storto Enterprises, Inc. ("Plaintiff") filed the State Court Action in the Circuit Court of Maryland for Baltimore County on or about May 19, 2010. Plaintiff served the complaint on Defendants via electronic mail no sooner than May 27, 2010. This Notice of

Removal thus is being filed within 30 days of the date Defendants were served, as required under 28 U.S.C. § 1446(b).

Removal is proper under 28 U.S.C. § 1441 based upon the United States District Court's original jurisdiction over this case pursuant to 28 U.S.C. § 1332. Section 1332(a) provides, in pertinent part, that “[t]he district courts shall have original jurisdiction of all civil actions” where the parties are “citizens of different States” and “the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs.” 28 U.S.C. § 1332(a)(1).

In the State Court Action, there is complete diversity of citizenship between Plaintiff and Defendants and the amount in controversy exceeds \$75,000. Specifically, Plaintiff alleges in the complaint that it is a Maryland corporation with its principal place of business in Maryland. (Compl. at p. 3.) Defendant ExxonMobil Corp. is a New Jersey corporation, and Defendant ExxonMobil Oil Corp. is a New York corporation. Both Defendants have principal places of business in Irving, Texas. In the complaint, Plaintiff seeks damages in a total amount that exceeds \$75,000. (Compl. at p. 13-17.) As a civil action in which the parties are citizens of different states and the amount in controversy exceeds \$75,000, exclusive of interest and costs, removal is appropriate pursuant to 28 U.S.C. § 1332(a)(1).

Pursuant to 28 U.S.C. §1446(a), a true and legible copy of all process, pleadings and other papers or exhibits of every kind currently on file in the State Court Action is attached hereto as Exhibit A.

Conclusion

WHEREFORE, Defendants ExxonMobil Oil Corporation and ExxonMobil Corporation request that the State Court Action be removed to the United States District Court for the District of Maryland.

Dated: June 18, 2010

Respectfully submitted,



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